

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.454 OF 2004

IN

SUIT NO.3696 OF 1996

...

M/s.Dayalal Hukmichand ...Plaintiff

v/s.

The Parle Products Ltd. & Anr ...Defendants

...

Mr.A.K. Saxena for the Plaintiff.

Mr.Sham Diwan i/b I.R. Joshi & Co. for Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 10TH DECEMBER, 2004

P.C.:

1. It appears that the decree has been passed under the provisions of Order 8 Rule 9 of CPC. Therefore,

in view of the judgment of the Division Bench in the case Dhanwantraï R. Joshi & Ors. v/s. Satish J. Dave & Ors., 1998 (4) All MR 509 , the Notice of Motion is not maintainable.

2. Notice of Motion disposed of with liberty to the Defendant to challenge the decree in appeal. Ad-interim order passed by this Court shall continue to operate for a period of eight weeks. The amount that has been deposited by the Defendant in this Court pursuant to ad-interim order dated 15th April, 2004 shall be held in deposit for a period of eight weeks. Further disposal of that amount would be governed by the order that may be passed by the Appeal Court. In case within a period of 10 weeks from today, no order from the Appeal court is received, the office shall refund the amount to the Defendant who has deposited it.

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